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Subject Pebble Mine opponents score court victory

## Pebble Mine opponents score court victory

By Mary Pemberton | *The Associated Press*

ANCHORAGE - A Superior Court judge has cleared the way for a legal fight over state-issued permits for a huge copper and gold mine near some of the world's most productive wild salmon streams.

The fight is being waged by eight Bristol Bay village corporations, former first lady Bella Hammond, former state constitutional delegate Victor Fisher and two Bristol Bay residents over Pebble Mine, located 200 miles southwest of Anchorage.

They contend that Pebble Mine exploration permits violate the Alaska Constitution. The lawsuit says that the state issued the land and water use permits without looking at the potential harm to resources.

Judge Eric A. Aarseth said in his decision Monday that there was enough evidence to allow the constitutional issues concerning the permits to be heard at a Dec. 6 trial.

"The state has issued permits behind closed doors without even looking at the harms to public resources," said plaintiffs' lawyer Nancy Wainwright.

Mike Heatwole, spokesman for the Pebble Limited Partnership, said work will continue at the mine.

"We are still reviewing the judge's decision and will continue to work on this through the court," he said Tuesday.

The coalition of Bristol Bay villages, known as Nunamta Aulukestai, argued that the state has numerous duties under the state constitution, including to develop the land near Pebble for the maximum benefit of the people under a sustained yield principle.

But the state maintains that it is not required under the Alaska Constitution to do certain things when making land management decisions concerning upland hardrock mining. The state says it is up to the Legislature to make those procedural requirements specific.

The lawsuit filed in July 2009 sought to have the court void the permits. It also wanted the state to be prevented from issuing any more until a valid constitutional analysis and public notice is provided.

Tom Crafford, the Department of Natural Resources' large mine coordinator, said the state would have preferred to see the judge rule in its favor on every point but "this case is going to go on for a while yet, that is pretty clear."

According to the lawsuit, the state issued permits from 1989 to 2010 with no public notice and no findings with respect to impact on public resources in the area.

Plaintiffs say the mine's developers, Anglo American and Northern Dynasty Minerals, have used the permits to drill more than 1,000 exploratory holes.

Subsistence users already know that exploration at Pebble is having a serious impact on the water, wildlife, and fish in the area, said Bobby Andrew, spokesman for Nunamta Aulukestai.

"We rely on these resources for survival, yet DNR continues to rubber stamp permits without public notice and without any analysis to justify these impacts," he said